

Exhibit M

The Honorable J. Paul Oetken
United States District Court
Southern District of New York
40 Foley Square, Room 2101
New York, NY 10007

Re: Dave Middendorf Sentencing
18 Cr. 36 (JPO)

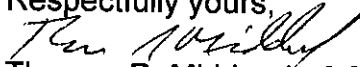
Dear Judge Oetken:

I am writing to you on behalf of my brother Dave Middendorf, the youngest of the five children in our family. Dave and I were very close growing up in our working class neighborhood in Cincinnati, Ohio. Our close connection was strengthened by the shared experience of being the only members of our family to complete college. We felt a sense of urgency to succeed in school and beyond, because this was the key to escaping the environment in which we grew up. Though filled with many good people, our neighborhood was plagued by pervasive alcoholism and the palpable sense of frustration that comes from feeling trapped in a life of struggle and limited opportunity.

Our lives diverged after college: I moved to California and became an academic scientist, while Dave has lived in New York, Texas, and Georgia during his accounting career. Perhaps the biggest difference between us, though, is that Dave has children, while I do not, and has been much more successful professionally than me. The sibling rivalry between two very competitive people like us could easily have degraded our relationship into one of jealousy on the one hand and gloating on the other. Instead, the differing trajectories of our lives brought out the very best in Dave, and highlighted the kind and thoughtful aspects of his nature. Without my asking, Dave took it upon himself to invite me along on countless vacations, even paying my way when I couldn't afford to during my lean years in graduate school and postdoctoral studies. After he and his wife Sheila had children, he went to great lengths to involve me intimately in their lives. The beautiful relationship that I have with their three daughters is due largely to his recognition of how important it is to me, and he has made it an absolute priority. Dave has never even hinted that I should feel indebted to him for this gift, but I truly do.

While I realize that he was convicted recently of fraud charges in your court, my experience over the entirety of his life is that Dave is a caring man, an attentive and loving husband and father, and a wonderful brother. I ask that you please consider Dave's many good qualities in your sentencing decision.

Respectfully yours,


Thomas R. Middendorf, Ph.D.